

## **§218.6**

person may file an answer to the application within 7 days after service hereof. Until the Board has acted upon the application, no operations in foreign transportation shall be performed pursuant to the agreement.

### **§218.6 Issuance of order disclaiming jurisdiction.**

If the Board finds that true operational control and safety responsibility will be vested in the lessee and not in the lessor (i.e., that the lease transaction is in substance a true lease of aircraft rather than a charter or series of charters), and that the performance of the operations provided for in such lease will not result in the lessor's being engaged in foreign air transportation, it will issue an order disclaiming jurisdiction over the matter. Otherwise the application for disclaimer of jurisdiction will be denied.

### **§218.7 Presumption.**

Whether under a particular lease agreement the lessor of the aircraft is engaged in foreign air transportation is a question of fact to be determined in the light of all the facts and circumstances. However, in circumstances where the lessor furnishes both the aircraft and the crew, there is a presumption that true operational control and safety responsibility are exercised by the lessor, and that the agreement constitutes a charter arrangement under which the lessor is engaged in foreign air transportation. The burden shall rest upon the applicants for disclaimer of jurisdiction in each instance to demonstrate by an appropriate factual showing that the operation contemplated will not constitute foreign air transportation by the lessor.

## **PART 221—TARIFFS**

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- 221.1 Applicability of this part.
- 221.2 Carrier's duty.
- 221.3 Definitions.
- 221.4 English language.
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### **Subpart B—Who Is Authorized To Issue and File Tariffs**

- 221.10 Carrier.

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- 221.11 Agent.

### **Subpart C—Specifications of Tariff Publications**

- 221.20 Specifications applicable to tariff publications.

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- 221.30 Passenger fares and charges.
- 221.31 Rules and regulations governing passenger fares and services.

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### **Subpart F—Requirements Applicable to all Statements of Fares and Charges**

- 221.50 Currency.
- 221.51 Territorial application.
- 221.52 Airport to airport application, accessorial services.
- 221.53 Proportional fares.
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- 221.55 Conflicting or duplicating fares prohibited.
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### **Subpart G—Governing Tariffs**

- 221.60 When reference to governing tariffs permitted.
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